

## REMARKS

The Office Action mailed December 29, 2010 has been carefully reviewed and the foregoing amendment and the following remarks have been made in consequence thereof.

Claims 1-30 are pending in this application. Claims 1-30 are subject to a restriction requirement. Reconsideration of the restriction requirement imposed under PCT Rule 13.1 is respectfully requested.

The restriction requirement imposes a requirement to restrict the application to one of the following groups of claims:

- I. Claims 1-14 and 28-30, drawn to a treatment chamber for fluids; and
- II. Claims 15-27, drawn to a method of pasteurizing a fluid.

Applicants elect, with traverse, for prosecution on the merits the claims of Group I, which includes Claims 1-14 and 28-30.

The Office supports the restriction requirement based on lack of a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the groups are said to lack the same or corresponding special technical features. The Office asserts that the alleged single general inventive concept linking Groups I and II is already taught by U.S. Patent 5,662,031 to Qin et al. ("Qin"). Applicants respectfully disagree with this assertion.

Qin describes a processor (400) that has a first electrode (401) and a second electrode (402) each including a convex face region or dome (408). An electrode spacer (420) forms a cylindrical treatment zone passage (430) between the first electrode (401) and the second electrode (402). Notably, the treatment zone passage (430) of Qin is *cylindrical*, not biconcave. Thus, Qin does not describe or suggest a biconcave treatment zone. Rather, Qin describes an electrode spacer that forms a cylindrical treatment zone passage.

Independent Claims 28 and 30 have each been amended such that all of the independent claims recite a biconcave treatment zone. Applicants submit that the biconcave treatment zone recited in the independent claims constitutes at least one corresponding special technical feature that is included in the claims of both Group I and Group II. More

specifically, Qin does not describe or suggest a biconcave treatment zone. In contrast, Qin describes a *cylindrical* treatment zone passage. Accordingly, the corresponding special technical feature included in the claims of both Group I and Group II defines a contribution over the prior art, satisfying the unity of invention requirement under PCT Rules 13.1 and 13.2. For this reason, Applicants submit the present restriction requirement is improper.

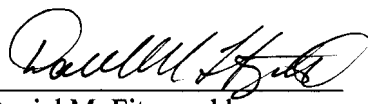
The Office also asserts that Group I and Group II lack the same or corresponding technical feature because the treatment chamber of Group I could allegedly be used for a different method than that of Group II. Applicants are unaware of, and the Office has not provided, any PCT Rule providing such an argument is a proper basis for a restriction requirement based on unity of invention. Accordingly, for this additional reason, Applicants submit the present restriction requirement is improper.

For at least the reasons set forth above, Applicants respectfully request withdrawal of the restriction requirement with respect to the claims of Groups I and II.

Applicants reserve the right to file one or more divisional applications directed to the subject matter of the non-elected claims.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

  
Daniel M. Fitzgerald  
Registration No. 38,880  
ARMSTRONG TEASDALE LLP  
7700 Forsyth Boulevard, Suite 1800  
St. Louis, Missouri 63105  
(314) 621-5070